

a weight/size ratio of more than three ounces per square inch on any surface of the package, determined by dividing the total weight in ounces of the payload package by the area in square inches of its smallest surface;

(ii) Carries a payload package that weighs more than six pounds;

(iii) Carries a payload, of two or more packages, that weighs more than 12 pounds; or

(iv) Uses a rope or other device for suspension of the payload that requires an impact force of more than 50 pounds to separate the suspended payload from the balloon.

(b) For the purposes of this part, a *gyroglider* attached to a vehicle on the surface of the earth is considered to be a kite.

[Doc. No. 1580, 28 FR 6721, June 29, 1963, as amended by Amdt. 101-1, 29 FR 46, Jan. 3, 1964; Amdt. 101-3, 35 FR 8213, May 26, 1970]

§ 101.3 Waivers.

No person may conduct operations that require a deviation from this part except under a certificate of waiver issued by the Administrator.

[Doc. No. 1580, 28 FR 6721, June 29, 1963]

§ 101.5 Operations in prohibited or restricted areas.

No person may operate a moored balloon, kite, unmanned rocket, or unmanned free balloon in a prohibited or restricted area unless he has permission from the using or controlling agency, as appropriate.

[Doc. No. 1457, 29 FR 46, Jan. 3, 1964]

§ 101.7 Hazardous operations.

(a) No person may operate any moored balloon, kite, unmanned rocket, or unmanned free balloon in a manner that creates a hazard to other persons, or their property.

(b) No person operating any moored balloon, kite, unmanned rocket, or unmanned free balloon may allow an object to be dropped therefrom, if such action creates a hazard to other persons or their property.

(Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

[Doc. No. 12800, 39 FR 22252, June 21, 1974]

Subpart B—Moored Balloons and Kites

SOURCE: Docket No. 1580, 28 FR 6722, June 29, 1963, unless otherwise noted.

§ 101.11 Applicability.

This subpart applies to the operation of moored balloons and kites. However, a person operating a moored balloon or kite within a restricted area must comply only with § 101.19 and with additional limitations imposed by the using or controlling agency, as appropriate.

§ 101.13 Operating limitations.

(a) Except as provided in paragraph (b) of this section, no person may operate a moored balloon or kite—

(1) Less than 500 feet from the base of any cloud;

(2) More than 500 feet above the surface of the earth;

(3) From an area where the ground visibility is less than three miles; or

(4) Within five miles of the boundary of any airport.

(b) Paragraph (a) of this section does not apply to the operation of a balloon or kite below the top of any structure and within 250 feet of it, if that shielded operation does not obscure any lighting on the structure.

§ 101.15 Notice requirements.

No person may operate an unshielded moored balloon or kite more than 150 feet above the surface of the earth unless, at least 24 hours before beginning the operation, he gives the following information to the FAA ATC facility that is nearest to the place of intended operation:

(a) The names and addresses of the owners and operators.

(b) The size of the balloon or the size and weight of the kite.

(c) The location of the operation.

(d) The height above the surface of the earth at which the balloon or kite is to be operated.

(e) The date, time, and duration of the operation.

§ 101.17 Lighting and marking requirements.

(a) No person may operate a moored balloon or kite, between sunset and sunrise unless the balloon or kite, and